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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Takashi OSUMI *et al.*

Application No. 09/852,000

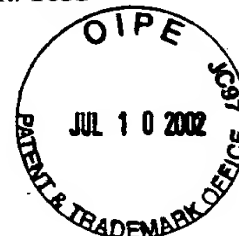
Filed: May 10, 2001

For: **Green Fluorescent Proteins and Blue
Fluorescent Proteins**

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)
) Examiner: E. Slobodyansky

)
) Group Art Unit: 1652

Commissioner for Patents
Washington, DC 20231



INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Office Action or a Notice of Allowance. The Commissioner is hereby authorized to charge **\$180.00** as specified by § 1.17(p) to **Deposit Account No. 50-0310**, for this Information Disclosure Statement under the provisions of 37 C.F.R. § 1.97(c).

Copies of the listed documents were previously cited or submitted in co-pending related application no. 09/615,655, filed July 13, 2000. Therefore, in accordance with 37 C.F.R. § 1.97 and 37 C.F.R. § 1.98(d), no copies of the documents are being submitted herewith. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents is material or constitutes "prior art." If it should be determined that the listed documents do constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

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EXCEPT for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:


Bonnie Weiss McLeod
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Date: **July 10, 2002**

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